

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, JUNE 3, 1991
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 2:03 p.m. Mayor O'Connor adjourned the meeting at 5:30 p.m. to convene the Housing Authority and to meet in Closed Session on June 4, 1991 at 9:30 a.m., in the 12th floor conference room, on pending litigation.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-excused by
R-278158(attend Housing meeting in Atlanta,
GA)
- (3) Council Member Hartley-present
- (4) Council Member Pratt-present
- (5) Council Member Behr-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present
- Clerk-Abdelnour (so)

FILE LOCATION: MINUTES

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ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-not present
- (3) Council Member Hartley-not present
- (4) Council Member Pratt-present
- (5) Council Member Behr-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present

ITEM-10: INVOCATION

Invocation was given by Pastor George Barber of the Kensington United Church of Christ.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Behr.

FILE LOCATION: MINUTES

ITEM-30: APPROVED AS AMENDED

Approval of Council Minutes for the Meetings of:

- 5/6/91
- 5/6/91 Special
- 5/6/91 held 5/7/91
- 5/7/91
- 5/7/91 Special Joint Meeting
- 5/9/91 Special

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A026-043.)

MOTION BY HENDERSON TO APPROVE AS AMENDED TO CORRECTLY SHOW COUNCIL MEMBER BEHR'S PRESENCE. Second by Behr. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-not present, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-31: GRANT THE HEARING

Matter of the request of the Southeast Development Committee for a hearing of an appeal from the decision of the Board of Zoning Appeals in approving the request of John and Tessie Bonner to maintain a residential care facility (currently in violation), for a maximum of nine persons, where a Conditional Use Permit is required for such facilities serving more than six persons. The subject property is located at 624 25th Street and is more particularly described as South 45 feet of Lots 1-4, Block 8, Breed and Chase, D.B. 14, page 641, in the CSF-2/R-3000 Zone, in the Southeast San Diego Planned District, Sherman Heights Historic District.

(Case-C-20718. District-8.)

A motion granting or denying the request for a hearing of the appeal.

FILE LOCATION: ZONE - Zoning Appeals: Case-C-20718

COUNCIL ACTION: (Tape location: A048-057.)

MOTION BY FILNER TO GRANT THE HEARING, TO BE HELD JULY 2, 1991 AT 2:00 P.M., DUE TO THIS BEING A PLANNING ISSUE OF CITY-WIDE SIGNIFICANCE. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-not present, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-32: GRANT THE HEARING

Matter of the request of Jim Eisen, et al., for a hearing of an appeal from the decision of the Planning Commission in granting Coastal Development Permit CDP-89-1148 for the demolition of an existing garage and studio unit, the remodel and addition of a 630-square-foot second story to an existing single-family home (445 Sea Lane) and the construction of two new single-family two-story homes. The proposed residences are each approximately 3,600 square feet in floor area. The subject property, a 0.41-acre site, is located at 445 Sea Lane on the southeast corner of Olivetas Avenue and Sea Lane, and 7237 and 7239 Olivetas Avenue, west of La Jolla Boulevard and north of Dunemere Drive and is more particularly described as Parcels 1, 2 and 3, Map-15890 in the R-1-5000 (Single-Family Residential-minimum lot size of 5,000 square feet) zoned site in the La Jolla Community Plan area.

(CDP-89-1148. District-1.)

A motion granting or denying the request for a hearing of the appeal.

FILE LOCATION: PERM - CDP-89-1148

COUNCIL ACTION: (Tape location: A058-067.)

MOTION BY WOLFSHEIMER TO GRANT THE HEARING, TO BE HELD JULY 9, 1991 AT 10:00 A.M., DUE TO THIS BEING A MATTER OF CITY-WIDE SIGNIFICANCE. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-not present, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-50: (O-91-179) INTRODUCED AND ADOPTED AS ORDINANCE
O-17651 (New Series)

Introduction and adoption of an Ordinance calling a Municipal Primary Election in the City of San Diego on Tuesday, September 17, 1991, for the purpose of

nominating candidates for the office of Councilmember
for Districts 2, 4, 6 and 8.

Abdelnour

NOTE: See Item 110 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A150-230.)

CONSENT MOTION BY PRATT TO DISPENSE WITH THE READING AND
ADOPT. Second by Henderson. Passed by the following vote:
Wolfsheimer-yea, Roberts-not present, Hartley-not present,
Pratt-yea, Behr-yea, Henderson-yea, McCarty-nay, Filner-yea,
Mayor O'Connor-nay.

* ITEM-100: (R-91-1343) ADOPTED AS RESOLUTION R-278016

Awarding a contract to Hi Standard Automotive for
furnishing a mobile public address system with
electronic sirens, for a total cost of \$256,370,
including tax and terms; authorizing the expenditure of
an amount not to exceed \$256,370 from Department No.
30244, Fund No. 30244, Organization No. 106, Object
Account No. 3307, and Job Order No. 334951, for
providing funds for said project and related costs;

Authorizing the City Auditor and Comptroller, upon
advice from the administering department, to transfer
excess budgeted funds, if any, to the appropriate
reserves. (BID-I2219/91)

Aud. Cert. 9100871.

FILE LOCATION: CONT - Purchase - Hi Standard Automotive
CONT FY 91-1

COUNCIL ACTION: (Tape location: A235-263.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by McCarty.
Passed by the following vote: Wolfsheimer-yea, Roberts-not
present, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-101: (R-91-1340) ADOPTED AS RESOLUTION R-278017

Awarding a contract to Pierce Manufacturing Inc. for the purchase of one heavy rescue apparatus, for a total cost of \$260,831.80, including tax and terms; authorizing a contingency cost amount not to exceed \$7,100.04, or 3 percent of apparatus cost, for changes as may be necessary during the manufacturing process; authorizing the expenditure of an amount not to exceed \$260,831.80 from Department No. 120, Object Account No. 6016, and Job Order No. 5700, for providing funds for said project and related costs; authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.
(BID-H2209/91) Aud. Cert. 9100864.

FILE LOCATION: CONT - PURCHASE - Pierce Manufacturing, Inc.
CONT FY 91-1

COUNCIL ACTION: (Tape location: A235-263.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-102: (R-91-1341) ADOPTED AS RESOLUTION R-278018

Awarding a contract to Pego Systems, Inc. for two sliding vane compressor systems, for a total cost of \$99,738.98, including tax; authorizing the expenditure of not to exceed \$99,738.98 from Department No. 700, Organization No. 405, Object Account No. 3265, and Job Order No. 2511, for said project and related costs;

authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

(BID-B2199/91)

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Aud. Cert. 9100867.

FILE LOCATION: CONT - PURCHASE - Pego Systems, Inc.
 CONTFY91-1

COUNCIL ACTION: (Tape location: A235-263.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by McCarty.
Passed by the following vote: Wolfsheimer-yea, Roberts-not
present, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-103: (R-91-1572) ADOPTED AS RESOLUTION R-278019

Inviting bids for the Construction of Seismic
Retrofitting to University Avenue Bridge over
Washington Street on Work Order No. 119742; authorizing
the execution of a contract with the lowest responsible
bidder; authorizing the expenditure of an amount not to
exceed \$260,730 from CIP-53-037.0, Capital Outlay Fund
30245, Earthquake Restrainers for Bridges, for
providing funds for said project and related costs.

(BID-K2396/91)

(Old San Diego Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: This project will provide
for seismic retrofit improvements of the University Avenue Bridge
over Washington Street. The principal design features include
(1) new bearing walls at abutments, and (2) installation of the
restrainer units, and (3) column retrofitting. This is the
eighth of several construction projects proposed to increase the
seismic resistance of City bridges to today's state-of-the-art in
regard to structural stability during a strong earthquake.

Aud. Cert. 9100665.

FILE LOCATION: W.O. 119742 CONT-Landex Construction Corp.
 CONT FY 91-1

COUNCIL ACTION: (Tape location: A235-263.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by McCarty.
Passed by the following vote: Wolfsheimer-yea, Roberts-not
present, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-104:

Two actions relative to the Downtown Maintenance
District:

(Centre City Community Area. Districts-3 and 8.)

Subitem-A: (R-91-2009) ADOPTED AS RESOLUTION R-278020

Resolution of Intention to levy and collect
assessments.

Subitem-B: (R-91-2010) ADOPTED AS RESOLUTION R-278021

Approving the City Engineer's Report.

CITY MANAGER SUPPORTING INFORMATION: The public hearing
establishes the annual assessments for the Downtown Maintenance
District. The district provides landscaping and special area
maintenance to Downtown Street Trees, "C" Street Mall, Horton
Plaza Retail Center, East Broadway, and provides litter removal
and graffiti control in certain downtown areas. The Fiscal Year
1992 proposed maintenance costs for the total district are as
follows:

Contractual Maintenance	\$110,550
Personnel	398,763
Utilities	7,460
Incidentals	200,693*
Total Expenses	\$717,466
Reserve	41,559
Total	\$759,025
Less Carry-over & Interest	66,500
Less City Contribution	12,320
Assessed to District	\$680,205

*Includes Assessment District Management Fee of \$40,400.)

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The assessments for each of the five zones are tabulated below:

	1. Street Trees	2. "C" St. Mall	3. Litter Removal & Graffiti Control	4. Horton Plaza Retail	5. East Broadway
FY'92	\$150,290	\$123,719	\$331,655	\$36,311	\$38,230
FY'91	\$146,405	\$121,568	\$300,802	\$34,420	\$35,345
Change +	\$3,885	+ \$2,151	+\$30,853	+\$1,891	+\$2,885
Percent+	2.6%	+ 1.7%	+ 10.3%	+ 5.4%	+ 8.1%

The reasons for the increases in the assessments are as follows: Zone 1 - increase in tree maintenance contract cost; zones 2, 4 and 5 - salary and overhead increase; and zone 3 - an expanded graffiti control program for FY'92.

FILE LOCATION: STRT - M-228

COUNCIL ACTION: (Tape location: A235-263.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

*** ITEM-105:**

Two actions relative to the First San Diego River Improvement Project (FSDRIP) Landscape Maintenance District:

(Mission Valley Community Area. District-5.)

Subitem-A: (R-91-1898) ADOPTED AS RESOLUTION R-278022

Resolution of Intention to levy and collect assessments.

Subitem-B: (R-91-1899) ADOPTED AS RESOLUTION R-278023

Approving the City Engineer's Report.

CITY MANAGER SUPPORTING INFORMATION: The First San Diego River Improvement Project (FSDRIP) Landscape Maintenance District was established in May 1987. The facility proposed to be maintained consists of San Diego River earthen flood control channel, eight river islands inside the channel zone, and an approximately 20-foot wide buffer zone running along and adjacent to the channel embankments.

The Fiscal Year 1992 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$182,800
Personnel	30,719
Utilities	25,250
Incidentals	53,071*
Total Expenses	\$291,840
Reserve	133,412
Total	\$425,252
Less Carry-over & Interest	111,500
Less City Contribution	150,000
Assessed to District	\$163,752

* Includes Assessment District Management Fee of \$16,519. Fiscal Year 1992 assessments will range from \$90 for the condo units coming on line for the first time this year, and from \$358 to \$58,000 for the individual parcels as compared to \$467 to \$75,494 in Fiscal Year 1991.

FILE LOCATION: STRT - M-232

COUNCIL ACTION: (Tape location: A235-263.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-106:

Two actions relative to the Park Village Landscape Maintenance District:

(Penasquitos East Community Area. District-1.)

Subitem-A: (R-91-2015) ADOPTED AS RESOLUTION R-278024

Resolution of Intention to levy and collect
assessments.

Subitem-B: (R-91-2016) ADOPTED AS RESOLUTION R-278025

Approving the City Engineer's Report.

CITY MANAGER SUPPORTING INFORMATION: The public hearing establishes the assessments for the maintenance of landscaped medians and slopes in the Park Village Landscape Maintenance District for Fiscal Year 1992. The developer for the subdivision will continue to provide all necessary maintenance for any newly landscaped areas until they are turned over to and accepted by the district. The Fiscal Year 1992 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$ 74,500
Personnel	13,442
Utilities	17,300
Incidentals	19,255*
Total Expenses	\$124,497
Reserve	11,807
Total	\$136,304
Less Carry-over & Interest	22,200
Less City Contribution	6,729
Assessed to District	\$107,375

*Includes Assessment District Management Fee of \$7,049. Assessments for Fiscal Year 1992 correspond to approximately \$33 per dwelling unit compared to \$28 for Fiscal Year 1991. The increase in the assessment is due to additional landscaping coming on-line for Fiscal Year 1992 and related expenses.

FILE LOCATION: STRT - M-240

COUNCIL ACTION: (Tape location: A235-263.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by McCarty.
Passed by the following vote: Wolfsheimer-yea, Roberts-not
present, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-107:

Two actions relative to the Penasquitos East Landscape
Maintenance District:

(Penasquitos East Community Area. District-1.)

Subitem-A: (R-91-1998) ADOPTED AS RESOLUTION R-278026

Resolution of Intention to levy and collect
assessments.

Subitem-B: (R-91-1999) ADOPTED AS RESOLUTION R-278027

Approving the City Engineer's Report.

CITY MANAGER SUPPORTING INFORMATION: The public hearing
establishes the annual assessments for the Penasquitos East
Landscape Maintenance District. The district provides for the
maintenance of landscaped medians and open space within the
district. The Fiscal Year 1992 proposed maintenance costs for
the district are as follows:

Contractual Maintenance	\$ 71,000
Personnel	11,225
Utilities	14,600
Incidentals	19,869*
Total Expenses	\$116,694
Reserve	34,611
Total	\$151,305
Less Carry-over & Interest	54,000
Less City Contribution	16,310
Assessed to District	\$ 80,995

*Includes Assessment District Management Fee of \$6,605. The
total amount assessed to the district in Fiscal Year 1992
will be approximately \$5.75 per residential unit, compared

to \$5.37 for Fiscal Year 1991. The increase in the assessment is due to proposed conversion to drip irrigation and replacing certain high water use plant material with inert material not requiring watering.

FILE LOCATION: STRT - M-241

COUNCIL ACTION: (Tape location: A235-263.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-108:

Two actions relative to the Sabre Springs Landscape and Lighting Maintenance District:

(Sabre Springs Community Area. District-6.)

Subitem-A: (R-91-2004) ADOPTED AS RESOLUTION R-278028

Resolution of Intention to levy and collect assessments.

Subitem-B: (R-91-2005) ADOPTED AS RESOLUTION R-278029

Approving the City Engineer's Report.

CITY MANAGER SUPPORTING INFORMATION: This public hearing establishes the annual assessments for the Sabre Springs Landscape and Lighting Maintenance District. The district provides maintenance for landscaped medians and open space within the district boundaries. The Fiscal Year 1992 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$ 41,000
Personnel	22,402
Utilities	10,500
Incidentals	23,913*
Total Expenses	\$ 97,815
Reserve	8,712

Total	\$106,527
Less Carry-over and Interest	6,100
Less City Contribution	14,426
Assessed to District	\$ 86,001

* Includes Assessment District Management Fee of \$5,539. The proposed assessment for Fiscal Year 1992 is approximately \$34 per residential unit compared to \$22 for Fiscal Year 1991. The increase in the assessment is due to additional landscaping coming on-line for Fiscal Year 1992 and proposed replacement of high water usage material with drought resistant plants.

FILE LOCATION: STRT - M-242

COUNCIL ACTION: (Tape location: A235-263.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-109: (R-91-1941) ADOPTED AS RESOLUTION R-278030

Authorizing the execution of an easement deed conveying to MCI Telecommunications Corporation, an easement for telecommunication purposes across a portion of Parcel 5, Parcel Map PM-15261.

(Otay Mesa Community Area. District-8.)

CITY MANAGER SUPPORTING INFORMATION: MCI is implementing an international project connecting long distance networks in the United States and Mexico, and desires a permanent easement across Parcel 5, Parcel Map PM-15261, which is a portion of a 150-foot wide border buffer zone owned by the City. The easement will be 5 feet wide across the 150-foot strip. They intend to bore a hole underground the entire length of the City property to accommodate the cable. No above ground structures will be located on the subject property. Along with upgrading the overall telecommunication infrastructure, the project will expand

and enhance opportunity for international businesses on both sides of the border. Fair Market value to be paid by MCI to the City for this easement was determined to be \$1,000 by an independent fee appraiser and reviewed by staff.

FILE LOCATION: DEED - F-5610 DEED FY 91-1

COUNCIL ACTION: (Tape location: A235-263.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-110: (R-91-2074) ADOPTED AS RESOLUTION R-278031

Requesting the Board of Supervisors of the County of San Diego to authorize and direct the Registrar of Voters of the County of San Diego to perform certain required services, under the direction and supervision of the City Clerk, in connection with the District Primary Election to be held on Tuesday, September 17, 1991 and the District General Election to be held on Tuesday, November 5, 1991. All costs for said elections will be borne by the City of San Diego.

NOTE: See Item 50 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A235-263.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-111: (R-91-1926) ADOPTED AS RESOLUTION R-278032

Authorizing the City Manager to submit claims to CalTrans and accept funds for a total of \$1,141,783.50 in State-Local Partnership Program (SB-300), formerly SB-140, for the San Ysidro Boulevard Smythe Avenue to Border Village Road project.

(San Ysidro Community Area. District-8.)

CITY MANAGER SUPPORTING INFORMATION: Senate Bill 300, formerly SB-140, provides up to \$300,000,000 annually for ten years to fund a State-Local Transportation Partnership Program. This action authorizes the City Manager to submit application for Phase III of this program and accept funds from the State for the following project: San Ysidro Boulevard-Smythe Avenue to Border Village Road, CIP-52-166.1.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A235-263.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-112: (R-91-1982) ADOPTED AS RESOLUTION R-278033

Authorizing the expenditure of an amount not to exceed \$284,528 for Emergency Preemption Equipment to be used at various locations; authorizing the expenditure of an amount not to exceed \$9,000 for preliminary engineering and incidental costs incurred in performance of this program; authorizing the use of City Forces to install the preemption equipment at a cost of \$85,000;

Authorizing the retention of excess monies in CIP-33-066.0 from Fund 302453, Capital Outlay Other, Annual Allocation-Opticom Communications Traffic Control System, for the purchase and installation of additional preemption equipment.

(City-wide.)

CITY MANAGER SUPPORTING INFORMATION: This action is part of the City's ongoing program installing emergency vehicle preemption systems for safe passage of emergency equipment through signalized intersections throughout the City. The action authorizes installations at a total of 71 locations. The limited scope of work related to this project and the necessity of maintaining full operation of the traffic signals during the installation process makes it more economical and feasible to utilize City Forces than to contract for this construction.

Aud. Cert. 9100857.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A235-263.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by cCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-113: (R-91-1995) ADOPTED AS RESOLUTION R-278034

Authorizing an agreement with the Department of Fish and Game for the Mission Bay Northern Wildlife Reserve.

(Mission Bay Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: The California Resources Agency has approved a \$120,000 grant from the California Tax Check Off Fund for certain improvements at the Mission Bay Northern Wildlife Reserve. The California Department of Fish and Game has been directed to enter into a Joint Powers Agreement with the City to effectuate the grant. The grant monies will be used to prepare a concept plan and for related studies for design of observation platforms around the perimeter of the Reserve. Narrative signs illustrating salt marsh vegetation and wildlife will be placed at each observation deck. Additionally, replacement fencing will be erected around the Reserve and buoys placed along the water boundaries. The current fencing is in poor repair and has fallen down in some places, allowing people to enter the area. Human disturbance has a negative impact on salt marsh vegetation and wildlife.

FILE LOCATION: MEET CCONT FY 91-1

COUNCIL ACTION: (Tape location: C349-371.)

MOTION BY HENDERSON TO ADOPT. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-not present, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-114: (R-91-1989) ADOPTED AS RESOLUTION R-278035

Authorizing the execution of an agreement for consultant services with Ecodata, Inc. to perform a policy review and rate analysis related to landfill disposal costs, material recovery facility costs, refuse collection and recycling costs, and review of licensing methods for commercial refuse haulers; authorizing the expenditure of an amount not to exceed \$44,800 from Dept. 751, Account 4151, Job Order 7230, for the above consultant services.

CITY MANAGER SUPPORTING INFORMATION: Authorization is requested to execute an agreement with Ecodata, Inc. a consultant firm specializing in solid waste management, to review issues and make recommendations on rate structures for disposal fees, Material Recovery Facility fees, and examine policy issues related to collection and recycling fees and the business relationship between the City and commercial refuse haulers. These are vital issues that the Waste Management Department is facing at the present time and that have long-term impact on the City's revenues and the financing of the planned Materials Recovery Facility. An experienced consultant is needed to bring to the project expert knowledge of current industry practices and economic impacts of alternative solutions. The RFP was advertised in La Prensa on 1/25/91 and San Diego Daily Transcript on 1/25/91 and 1/28/91 and copies of the RFP were sent out to approximately 60 consulting firms nationwide. As a result, 9 proposals were received and were screened by a selection committee composed of representatives from the City Auditor and Comptroller's Office, Financial Management Department, Waste

Management Department, and Waste Management Advisory Board. Per Council Policy 300-07, the committee selected four finalists who were interviewed. Ecodata, Inc. was selected based on the responsiveness of the proposal, the qualifications and experience of the consultants and the proposed cost for the project. Also, Ecodata has filed for certification as a Woman Business Enterprise. The use of sub-consultants is not anticipated.

Aud. Cert. 9100875.

FILE LOCATION: MEET CCONT FY 91-1

COUNCIL ACTION: (Tape location: D376-414.)

MOTION BY BEHR TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-not present, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

* ITEM-115: (R-91-1985) ADOPTED AS RESOLUTION R-278036

Authorizing the execution of an agreement with Kleinfelder Company, for technical services required for the AB 2588 Air Toxic "Hot Spots" Project, together with any necessary amendments or modifications which do not increase the project scope or cost and which the City Manager shall deem necessary to carry out the purposes and intent of this project and agreement; authorizing the expenditure of an amount not to exceed \$74,925 from Sewer Revenue Fund No. 41508, to provide funds for this project.

(Peninsula Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: The proposed agreement with Kleinfelder will provide technical services required for the City of San Diego to comply with the new State Law AB2588. The purpose of AB2588 is to collect site-specific information to ascertain the nature and quantities of over 300 air toxic substances, and to complete health risk assessments of "high risk" emission sources at the Point Loma Wastewater Treatment Plant. The proposed consultant was selected in accordance with

Council Policy 300-7. The project was advertised in the San Diego Daily Transcript on November 1, and 2, 1990, and four responses were received. All four responding firms were interviewed by the Water Utilities Department. Kleinfelder is the recommended consultant for this project.

Aud. Cert. 9100868.

WU-U-91-153.

FILE LOCATION: MEET CCONT FY 91-1

COUNCIL ACTION: (Tape location: A235-263.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-116: (R-91-1991) ADOPTED AS RESOLUTION R-278037

Amendment to the agreement of February 5, 1990 with Foster Engineering, Inc. for professional services regarding the design of fire suppression/detection systems in the Museum of Man, Museum of Art, Museum of Natural History and Casa de Balboa; authorizing the expenditure of an amount not to exceed \$61,600 from CIP-21-834.0, Balboa Park Mission Bay Requirements (Capital Outlay Fund/Other No. 302453), for the purpose of providing funds for the project; authorizing the reimbursement of the costs associated with the project from tax exempt securities, if issued and when feasible.

(Balboa Park Community Area. District-3.)

CITY MANAGER SUPPORTING INFORMATION: On September 28, 1988 City Council approved a change in the Transient Occupancy Tax rate and allocated General Funds in amounts equivalent to the revenue from one percent of the T.O.T. to improvements within Balboa Park. The adopted Balboa Park Master Plan identifies the Museum of Man, Museum of Art, The Natural History Museum and the

Casa de Balboa as buildings in need of improvements. The Museum of Man, Museum of Art, The Natural History Museum and the Casa de Balboa have a variety of fire suppression systems ranging from none to localized incomplete systems. There is a need to install, coordinate and/or augment the fire suppression, fire alarm and indicating systems in these buildings. The agreement provided for an investigation of existing systems, and a needs analysis for each building. It also provided recommendations for minimum and of fully desirable systems and their estimated costs. This work has been completed. The first amendment to agreement will provide for the preparation of construction documents and services during construction for the implementation of selected alternatives.

Aud. Cert. 9100866.

FILE LOCATION: MEET CCONT FY 91-1

COUNCIL ACTION: (Tape location: A235-263.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-117: (R-91-1981) ADOPTED AS RESOLUTION R-278038

Authorizing the execution of an agreement with San Diego Association of Governments (SANDAG), acting as the San Diego County Regional Transportation Commission, for a financial contribution for the City's share of the construction of State Route 56 between Black Mountain Road and I-15, together with any necessary modifications or amendments which do not increase the project scope or cost and which the City Manager shall deem necessary in order to carry out the purpose and intent of the project and agreement; authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$2,480,000 from Penasquitos East Facilities Benefit Assessment (FBA) Fund 79004, CIP-52-439.0 to SANDAG;

Authorizing the expenditure of an amount not to exceed \$2,480,000 for the above project.

(Penasquitos East Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: SANDAG (as the Regional Transportation Commission) is proceeding with the construction of State Route 56 (SR56) from Black Mountain Road to I-15. This project overlaps CIP-52-439, SR56 from Rancho Penasquitos Blvd. to the Penasquitos Western Community Boundary. The City's contribution for the portion for which construction is proceeding is \$2.48M. The funds for CIP-52-439 were originally to be advanced, through an approved development agreement by American Newland Associates, prior to the time when the funds would be available through the FBA. The terms of the agreement called for Newland to advance \$6.2M, for construction of SR-45 from Rancho Penasquitos Blvd. to the Western Community Boundary and be reimbursed from the FBA, \$2.5M in FY 1991 and \$3.7M in FY 1998. Funds are now available through the Penasquitos East FBA for the City's contribution towards the construction of SR56 between Black Mountain Road and I-15. With this Council action, funds for the project will be provided directly from the FBA. Newland will be excused from advancing funds for this portion of the project and their Letter of Credit, guaranteeing funding of the project at \$6.2M, will be reduced to \$3.72M. Newland will remain obligated to advance \$3.72M towards the construction of SR56 between Black Mountain Road and the Penasquitos Western Community Boundary at such time as the funds are required.

FISCAL IMPACT: Funds available in the Penasquitos East FBA Fund (79004), CIP-52-439.0.

Esquivel/Rollinger/JAW

Aud. Cert. 9100872.

FILE LOCATION: MEET CONT FY 91-1

COUNCIL ACTION: (Tape location: A235-263.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-118:

Five actions relative to Employee Safety Programs:

Subitem-A: (R-91-1968) ADOPTED AS RESOLUTION R-278039

Authorizing the execution of an agreement with Speech, Hearing and Neurosensory Center for the provision of employees audiometric examinations, as may be required from June 1, 1991 through November 30, 1991, with three one year option to renew periods beginning December 1, 1991 and extending through November 30, 1994.

Subitem-B: (R-91-1969) ADOPTED AS RESOLUTION R-278040

Authorizing the execution of an agreement with Darell Bevis and Associates, Inc. for the provision of employee respiratory protection fit testings, as may be required from June 1, 1991 through November 30, 1991, with three one year option to renew periods beginning February 1, 1992 and extending through January 31, 1995.

Subitem-C: (R-91-1970) ADOPTED AS RESOLUTION R-278041

Authorizing the execution of an agreement with Health Science Associates for the provision of industrial hygiene services, as may be required from June 1, 1991 through November 30, 1991, with three one year option to renew periods beginning December 1, 1991 and extending through November 30, 1994.

Subitem-D: (R-91-1971) ADOPTED AS RESOLUTION R-278042

Authorizing the execution of an agreement with J.M. Cohen, Inc. for the provision of industrial hygiene services, as may be required from June 1, 1991 through November 30, 1991, with three one year option to renew periods beginning December 1, 1991 and extending through November 30, 1994.

Subitem-E: (R-91-1972) ADOPTED AS RESOLUTION R-278043

Authorizing the execution of an agreement with the County of San Diego for the provision of industrial hygiene services, as may be required from June 1, 1991 through November 30, 1991, with three one year option to renew periods beginning December 1, 1991 and extending through November 30, 1994.

CITY MANAGER SUPPORTING INFORMATION: Title 8 of the California Code of Regulations sets forth the employee safety rules and regulations enforced by Cal/OSHA. A Hearing Conservation Program and a Respiratory Protection Program are two of the many programs mandated by Title 8. The Hearing Conservation Program involves the assessment of noise hazards in the workplace, the use of engineering controls to reduce noise levels, audiometric examination of employees exposed to noise hazards, employee training and the provision of hearing protective devices. The Respiratory Protection Program involves the assessment of respiratory hazards, medical examination of employees exposed to these hazards, employee training, purchase of respiratory protection devices and fit testing employees to ensure that the respiratory protection devices provide the required protection. Industrial hygiene services are necessary to assess both hearing and respiratory hazards in the workplace. Through the cooperative efforts of the Risk Management and Water Utilities Departments, Requests for Proposals were issued for employee audiometric examinations and employee respiratory protection fit testings. A Request for Qualifications was also issued for industrial hygiene services. These bidding documents were advertised in the San Diego Daily Transcript, San Diego Voice & Viewpoint, La Prensa San Diego and the San Diego Asian Journal. A Consultant Selection Panel consisting of safety staff members from the Risk Management and Water Utilities Departments evaluated the proposals and qualifications received based upon criteria which is consistent with Administrative Regulation 25.70. The Speech, Hearing and Neurosensory Center was selected to provide employee audiometric examinations. The firm of Darell Bevis and Associates was selected to perform employee respiratory protection fit testings. Health Science Associates, J.M. Cohen, Inc. and the County of San Diego were selected to provide industrial hygiene services. Three firms were selected to provide industrial hygiene services as the scope of work required to implement and maintain the Hearing Conservation Program, the Respiratory Protection Program and other mandated safety programs is extensive and the time frames on project completion are limited.

FILE LOCATION: MEET CONT FY 91-5

COUNCIL ACTION: (Tape location: A235-263.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by McCarty.
Passed by the following vote: Wolfsheimer-yea, Roberts-not
present, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-119: (R-91-1984) CONTINUED TO JUNE 10, 1991

Approving Change Order No. 3, dated March 13, 1991,
issued in connection with the contract with Engicon
Corporation for Sewer Pump Station No. 15, amounting to
a net increase in the contract price of \$44,796.30;

Authorizing the City Auditor and Comptroller to
transfer the amount of \$44,796.30 from CIP-43-004.0,
Annual Allocation for Freeway Relocation, to
CIP-46-106.2, Annual Allocation for Sewer Pump Station
Restoration;

Authorizing the expenditure of an amount not to exceed
\$44,796.30 from CIP-46-106.2 to fund this change order.

(Pacific Beach Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: Engicon Corporation is in
the final phase of completing the construction of Sewer Pump
Station No. 15. This project is located near Crown Point Drive
at the end of La Playa Street in the community of Pacific Beach.
During the project construction, it was discovered that the
existing electric and gas services to the station are not
adequate to provide the required power. Change Order No. 3 will
compensate the contractor and SDG&E for the cost associated with
revising the pump station's electrical service layout, and for
constructing adequate electric and gas services to the new pump
station. This is the final change order for the pump station
project.

Aud. Cert. 9100869.

WU-U-91-178.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A069-074.)

MOTION BY PRATT TO CONTINUE TO JUNE 10, 1991 AT THE REQUEST OF THE CITY MANAGER TO ALLOW COUNCIL MEMBER ROBERTS A CHANCE TO BE PRESENT TO ASK QUESTIONS OF THE CONTRACTOR AND OF STAFF. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-not present, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-150: (R-91-1864) REFERRED TO THE BUILDING INSPECTION
DEPARTMENT BUDGET HEARING

Approving the City Manager's Report, "Revised Building Permit Fees and Charges"; and directing the City Manager to promulgate the schedule of Building Inspection Department fees and charges, to be effective on and after July 1, 1991.

(See City Manager Reports CMR-91-241 and CMR-91-225.)

COMMITTEE ACTION: Reviewed by PSS on 5/15/91. Recommendation to approve the City Manager's recommendations. Districts 2, 3, 4, and 5 voted yea. District 7 not present.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: D414-E458.)

MOTION BY McCARTY TO REFER TO THE BUILDING INSPECTION DEPARTMENT BUDGET HEARING. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-200: (R-91-1983 Rev.1) ADOPTED AS RESOLUTION R-278044
AND REFERRED TO THE RULES
COMMITTEE

(Continued from the meeting of May 20, 1991, Item S403,
at Councilmember McCarty's request, for the Mayor and
Special Council to work on procedure and policy
changes, discipline actions and possible reimbursement
by Mr. Spaulding and report back to Council.)

In the matter of the report by Mr. Josiah Neeper, Esq.,
special fact finder in the matter of the claim entitled
Bray v. City of San Diego.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A263-C349.)

MOTION BY McCARTY TO ADOPT A RESOLUTION ACCEPTING THE
RECOMMENDATIONS OF MR. JOSIAH NEEPER, ESQ., AS FOLLOWS:

- I. CITY STAFF INVOLVEMENT DIRECT THE CITY MANAGER TO TAKE
THE FOLLOWING ACTIONS WITH RESPECT TO EACH OF THE
INDIVIDUALS HAVING A PARTICULAR ROLE IN THE MATTER
INVESTIGATED:
 - A. REFER ON COUNCIL'S BEHALF THE ISSUES RELATED TO
THE CITY ATTORNEY AND HIS STAFF'S INVOLVEMENT IN
THIS MATTER TO THE STATE BAR COMMITTEE ON ETHICS
WITH A REPORT BACK ON THE DISPOSITION;
 - B. DIRECT THE CIVIL SERVICE COMMISSION TO INVESTIGATE
AND REVIEW THE PERFORMANCE OF THE PERSONNEL
DIRECTOR AND THE EQUAL EMPLOYMENT INVESTIGATIVE
OFFICER IN THIS MATTER WITH A REPORT BACK ON THE
DISPOSITION; AND
 - C. HIMSELF (THE CITY MANAGER) TO INVESTIGATE AND
REVIEW THE PERFORMANCE OF THE RISK MANAGEMENT
DIRECTOR AND THE LABOR RELATIONS MANAGER WITH A
REPORT BACK ON THE DISPOSITION.
- II. POLICY CHANGES APPROVE AND DIRECT THE FOLLOWING CHANGES
IN THE CITY'S CLAIMS POLICIES:

- A. REQUIRE COUNCIL APPROVAL OF ALL SETTLEMENTS WHICH HAVE A TOTAL VALUE IN EXCESS OF \$20,000 FROM ONE OR ANY COMBINATION OF FUNDING SOURCES, INCLUDING THE VALUE OF FUTURE PAYMENTS; AND
 - B. DIRECT THE CITY MANAGER AND CITY ATTORNEY TO INFORM THE COUNCIL OF ANY CLAIM, LITIGATION, OR DISCRIMINATION COMPLAINT, REGARDLESS OF VALUE, INVOLVING AN EMPLOYEE DIRECTLY APPOINTED BY THE COUNCIL WHEN IT IS DETERMINED THAT REASONABLE CAUSE EXISTS FOR SUCH CHARGE, AND AGAIN UPON DISPOSITION OF SUCH CHARGE: AND
 - C. DIRECT THE CIVIL SERVICE COMMISSION TO INCLUDE A PROVISION IN THE DISCRIMINATION COMPLAINT PROCEDURE REQUIRING NOTIFICATION SUCH AS PROVIDED IN II.(B) ABOVE.
 - D. IT IS THE POLICY OF THE CITY COUNCIL THAT EMPLOYEES, WHO ARE DETERMINED TO HAVE COMMITTED UNLAWFUL DISCRIMINATION, SHALL PERSONALLY PAY FOR THE COSTS OF THEIR DEFENSE AND THE DAMAGES AWARDED THROUGH SETTLEMENT OR BY A COURT TO THE EXTENT ALLOWED BY LAW.
- III. MANAGEMENT AUDIT OF THE PLANNING DEPARTMENT DIRECT THE CITY MANAGER AND CITY AUDITOR TO CONDUCT AN AUDIT OF THE PLANNING DEPARTMENT AND REPORT THE FINDINGS TO THE COUNCIL BY JULY 15.
- IV. REIMBURSEMENT FROM ROBERT SPAULDING DIRECT THE CITY ATTORNEY TO CONTINUE TO EVALUATE AND REPORT TO COUNCIL ON POSSIBLE METHODS TO SEEK REIMBURSEMENT FROM ROBERT SPAULDING FOR THE MONIES PAID, OR TO BE PAID, IN THIS MATTER. THERE IS NO RECOMMENDATION THAT COUNCIL FURTHER REVIEW THE PERFORMANCE OF MR. SPAULDING, ALTHOUGH HE CHOSE NOT TO DISCLOSE THE MATTER TO THE COUNCIL, AS HE HAS RESIGNED HIS EMPLOYMENT BY THE CITY.
- V. CITY MANAGER NO RECOMMENDATION IS MADE WITH RESPECT TO THE FORMER CITY MANAGER. HE ASSUMED PRIMARY AND DIRECT RESPONSIBILITY FOR APPROVING THE TERMS AND CONDITIONS OF THE SETTLEMENT AND FOR NOT DISCLOSING THE SETTLEMENT TO THE COUNCIL. HE HAS RETIRED, AND THE COUNCIL NO LONGER HAS JURISDICTION OVER HIS PERFORMANCE. COUNCIL FURTHER DIRECTED THE CITY MANAGER TO TAKE CHARGE, TO LOOK INTO LONG-TERM DISABILITY CLAIMS AND TO REPORT BACK WITH ANY CHANGES. COUNCIL POLICY 000-09 WAS CONCEPTUALLY APPROVED FOR DRAFTING OF THE PROPER

AMENDMENT TO THE POLICY TO BE DISCUSSED IN A MEET AND
CONFER CLOSED SESSION AS SOON AS POSSIBLE.

Second by Wolfsheimer. Passed by the following vote:
Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea,
Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor
O'Connor-yea.

MOTION BY McCARTY TO REFER TO THE RULES COMMITTEE FOR A
REPORT BACK TO COUNCIL BY THE CITY MANAGER. Second by
Hartley. Passed by the following vote: Wolfsheimer-yea,
Roberts-not present, Hartley-yea, Pratt-not present,
Behr-yea, Henderson-yea, McCarty-yea, Filner-not present,
Mayor O'Connor-yea.

ITEM-201: (O-91-170) CONTINUED TO JUNE 24, 1991

(Continued from the meeting of May 20, 1991, Item 200,
at Councilmember McCarty's request, to change the form
of the tax and address the concerns of the State Board
of Equalization.)

Introduction of an Ordinance amending the San Diego
Municipal Code by adding Section 38.0150 et seq. to
create a Transient Transportation Tax.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A078-107.)

MOTION BY FILNER TO CONTINUE TO JUNE 24, 1991 AT THE REQUEST
OF THE CITY MANAGER TO PRESENT THE IMPACTS OF NOT HAVING A
REVENUE SOURCE IN THE BUDGET FOR FY 1991, AS THAT TAX WAS
NOT APPROVED BY THE CITY COUNCIL. Second by McCarty.
Passed by the following vote: Wolfsheimer-yea, Roberts-not
present, Hartley-not present, Pratt-yea, Behr-yea,
Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-202:

Two actions relative to support for Industrial
Development Bond Financing for Pacific Device, Inc.:

(Mira Mesa Community Area. District-5.)

Subitem-A: (R-91-2020) ADOPTED AS RESOLUTION R-278045

Approving the issuance of not to exceed \$3.0 million
aggregate principal amount of Industrial Revenue Bonds.

Subitem-B: (R-91-2021 Rev.1) ADOPTED AS RESOLUTION
R-278046

Approving the Amended and Restated Joint Exercise of
Powers Agreement relating to the California Statewide
Communities Development Authority.

CITY MANAGER SUPPORTING INFORMATION: Pacific Device, Inc.
("the Company"), a medical device manufacturer located at 8572
Spectrum Lane in the Miramar area, has requested that the City
join the California Statewide Communities Development Authority
Joint Powers Agency (the JPA) and hold a public hearing
supporting issuance by the JPA of up to \$3,000,000 of industrial
development bonds (IDB's). The JPA passed its inducement
resolution for the project on May 10, 1991 and will be the
Issuer. The City's name will not appear on the bonds, and there
will be no further City involvement in the transaction. The
project must meet strict State and Federal public benefit
considerations including the creation of one new job for each
\$50,000 of IDB's. The JPA has issued approximately half the
IDB's completed in California in recent years and is endorsed by
the League of California Cities and the County Supervisors'
Association of California.

The JPA issues only investment grade bonds guaranteed by Union
Bank. The Company, which designs and manufactures various
medical devices, currently has 85 full-time employees. It
intends to acquire and renovate a 26,500-square-foot facility and
expand to 130 employees within two years, adding 45 new jobs in
San Diego. By approving this financing through the JPA, the
Council will be supporting the growth of San Diego's non-cyclical
medical and biotech industries and the expansion and
diversification of the local economy without any financial
obligation on the part of the City.

FILE LOCATION: MEET CONT FY 91-1

COUNCIL ACTION: (Tape location: A235-263.)

MOTION BY WOLFSHEIMER TO ADOPT. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-203: CONTINUED TO JUNE 4, 1991, 2:00 P.M.

(Trailed as Unfinished Business from the meeting of February 26, 1991, Item 333, and Continued from the meeting of March 4, 1991, Item S403; last continued at Councilmember McCarty's request, for a report from SANDAG regarding the airport proposal and to allow the City Council to have a workshop with SANDAG within 30 days.)

Request of Robinhood Homes, Inc., by Donald R. Worley of Worley, Schwartz, Garfield & Rice, for approval of the following:

1. The Robinhood Ridge Precise Plan as shown on Map C-778.
2. An amendment to the Otay Mesa Community Plan to a) Relocate a proposed elementary school and neighborhood park site; and b) Change the land use designation of a 4.6-acre site from neighborhood commercial and low density residential to industrial.
3. A Vesting Tentative Map and Planned Residential Development Permit to subdivide 204 acres into 224 lots for the development of 849 dwelling units (191 single-family detached units and 658 attached multi-family dwellings). The multi dwellings will be developed at a later time with an amendment to this Planned Residential Development Permit.
4. Related zoning from the A-1-10 and Hillside Review Overlay zones to R-1-5000, R-1750, R-3000, CN and Hillside Review Overlay zones as indicated in Map C-778.

The project site is located on the north side of Otay Mesa Road and east of I-805, in the Otay Mesa Community Plan area, and is further described as the southeast quarter of the southeast quarter of Section 19 and a portion of the north half of Section 29, Township 18 South, Range 1 West, SBBM.

(RZ, PRD & VTM-86-1014. District-8.)

Subitem-A: (R-91-)

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-86-1014 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council and adopting appropriate findings of mitigation, feasibility or project alternatives and statement of overriding considerations pursuant to California Public Resources Code Section 21081.

Subitem-B: (O-91-)

Introduction of an Ordinance applying various zonings.

Subitem-C: (R-91-)

Adoption of a Resolution approving or denying the Robinhood Ridge Precise Plan and amendments to the Otay Mesa Community Plan.

Subitem-D: (R-91-)

Adoption of a Resolution approving or denying Vesting Tentative Map.

Subitem-E: (R-91-)

Adoption of a Resolution approving or denying Planned Residential Development Permit.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A115-125.)

MOTION BY FILNER TO CONTINUE TO JUNE 4, 1991 FOR A FULL COUNCIL. Second by Behr. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-not present, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-204: CONTINUED TO JUNE 10, 1991

(Continued from the meetings of April 16, 1991, Item 331, April 23, 1991, Item S503, and May 20, 1991, Item 204; last continued at Councilmember McCarty's request, to review further and continue to work with developers.)

1. Request for a North City West Development Plan Permit and Tentative Map (Carmel Valley Neighborhood I, Units 3 and 4 Resubdivision) for the development of 68 two-story, single-family homes on approximately 11.3 acres of a 25.8-acre site. The map will create 68 residential lots and three non-residential lots on approximately 25.8 acres. The non-residential lots are for a future school, park and open space.

The subject property, a 25.8-acre site, is located on the north side of Carmel Center Road, east of Carmel Creek Road, west of the SDG&E easement, and south of Kerwood Court and is more particularly described as a resubdivision of Final Map 12564 and Parcels 1 and 2 of Parcel Map PM-16001, Carmel Valley Neighborhood 1, Unit 3. The EP (Educational and Park) and SF3 (Single-Family Residential, minimum lot size of 3,000 square feet) zoned site is in the Carmel Valley (formerly North City West) Community Plan area.

2. A proposal to vacate a portion of Camarena Road, McKittrick Way, Montella Way, Goldonna Lane and Ridgetop Court as provided for under Section 66499.20-1/2 of the State Map Act, in conjunction

with the proposed tentative map for Carmel Valley
Neighborhood I, Units 3 and 4 Resubdivision
(TM-90-0471).

(NCWDPP & TM-90-0471. District-1.)

Subitem-A: (R-91-1524)

Adoption of a Resolution certifying that the
information contained in Environmental Revised Final
Mitigated Negative Declaration EMND-90-0471 has been
completed in compliance with the California
Environmental Quality Act of 1970 and State guidelines,
and that said declaration has been reviewed and
considered by the Council.

Subitem-B: (R-91-)

Adoption of a Resolution granting or denying the map,
with appropriate findings to support Council action.

Subitem-C: (R-91-)

Adoption of a Resolution granting or denying the
permit, with appropriate findings to support Council
action.

Subitem-D: (R-91-1523)

Adoption of a Resolution authorizing the vacation of a
portion of Camarena Road, McKittrick Way, Montella Way,
Goldonna Lane and Ridgetop Court as provided for under
Section 66499.20-1/2 of the State Map Act.

CITY MANAGER SUPPORTING INFORMATION: The vacation of Camarena
Road, Goldonna Lane, McKittrick Way, Montella Way, and Ridgetop
Court has been initiated by the submission of the tentative map
for Carmel Valley Neighborhood I, Units 3 & 4 (TM-90-0471). The
subject unimproved paper streets and the adjoining properties to
be subdivided are located in the Carmel Valley Community and are
situated in the SF-3 Zone. The map itself proposes subdivision
of 25.8 acres into 68 single-family residential lots, one lot for
park development, and one lot for a school site. Development of
the proposed subdivision will be controlled by the related
Planned Development Permit, PD-90-0471. The Planning Commission

recommended approval of the proposed project on February 7, 1991, by a 4-0 vote. This street vacation proposal results from a request made by the Del Mar Union School District and the Solana Beach School District to the subdivider to relocate the previous school site away from the existing 236 KV electric lines, adjacent to the eastern subdivision boundary. The subdivider complied with the request, which exchanges locations of the residential and park and school sites. The existing unimproved rights-of-way are, therefore, no longer required, since they are located within the future school and park sites. New road alignments for access and circulation will be provided with approval of the final map.

FINDINGS: Staff review has indicated that the vacation is consistent with the General Plan, the community plan, and Council Policy 600-15. The approval of the final map will establish that there will be no present or prospective use and that the vacation will not detrimentally affect the facilities for which the rights-of-way were originally provided. The public will benefit from the resubdivision that provides preferable school and park sites, which requires the vacation. Staff further recommends that the vacation be conditioned upon the approval and recordation of the final map for Carmel Valley Neighborhood I, Units 3 & 4, Resubdivision (TM-90-0471).

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A107-114.)

MOTION BY WOLFSHEIMER TO CONTINUE TO JUNE 10, 1991 AT THE REQUEST OF THE CITY MANAGER TO REACH AN AGREEMENT WITH THE DEVELOPER. Second by Behr. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-not present, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-S400: (O-91-157 Rev. 1) ADOPTED AS ORDINANCE O-17652
(New Series)

Amending Chapter X, Article 1, of the San Diego
Municipal Code by amending Sections 101.0101.17,
101.0101.20 and 101.0407, by repealing Section 101.0461

and by adding Section 101.0463 relating to Single Family Rentals.

(Introduced as amended on 5/21/91. Council voted 5-1. District 8 voted nay. Districts 2, 3 and 6 not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A235-263.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S401: (R-91-2148) ADOPTED AS RESOLUTION R-278047

(Continued from the meeting of May 28, 1991, Item S407, at the City Manager's request, to work out problems.)

The matter of comments by Thelma Silberzweig regarding Dial-A-Ride new rules.

(See City Manager Report CMR-91-249.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E458-536.)

MOTION BY COMMON CONSENT TO ADOPT THE FOLLOWING OPTIONS TO BE ADDED TO THE DIAL-A-RIDE RATE STRUCTURE:

1. DRAW A COUPON FOR \$40 TO BE USED FOR A TAXI OR A LIFT;
2. DRAW A COUPON FOR \$64 FOR A LIFT COUPON ONLY; OR
3. DRAW A COUPON FOR \$40 FOR A TAXI AND \$24 FOR A LIFT COUPON.

Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-S402: TRAILED TO JUNE 4, 1991, 2:00 P.M.

(Continued from the meeting of May 28, 1991, Item S409, at Councilmember Henderson's request, to allow the Planning Department staff to report back on alternative mitigation sites that have been identified and to extend an invitation to Supervisor Golding to attend the meeting and speak regarding the item.)

In the matter of saving a 3-acre Eucalyptus Grove and Pioneer Palm Trees.

(Mira Mesa Community Area. District-6.)

SUPPORTING INFORMATION: Magnificent, nearly century-old pioneer palm trees and a 3-acre eucalyptus grove are in imminent danger of being logged by CalTrans and the County at a taxpayer cost of \$420,000. This is supposed to be "mitigation" for the eastern leg of Highway 56, but it was never presented to the Council when we approved that much-needed road project in 1989. Instead we were told the emphasis would be on tree-planting, not tree-cutting, along Camino Ruiz. There are legitimate alternate environmental mitigations available, involving tree planting and restoration of Penasquitos Creek. The City Council deserves the opportunity to debate this specific project, an opportunity we were denied in the past.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A119, C379-D364.)

Motion by Behr to Note and File. Second by Wolfsheimer.
Failed by the following vote: 1,3,4,5-yea, 6,7,M-nay,
2,8-not present.

NON-DOCKET ITEMS:

None.

COUNCIL COMMENT:

None.

PUBLIC COMMENT:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor O'Connor at 5:30
p.m. in honor of the memory of Otto Bos.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: E630).